

notice described in paragraph (3) of this subsection (H) was mailed, ownership of the abandoned vehicle shall vest in CSD after a duly noticed hearing and declaration of abandonment by a circuit court judge. The CSD may sell an abandoned vehicle at public auction or by bid. Proceeds shall be paid into the Enforcement Trust Fund.

(Ord. No. 93-77, § 1, 7-29-93)

**Secs. 31-117—31-200. Reserved.**

#### ARTICLE IV. SPECIAL TRANSPORTATION SERVICE CARRIERS

##### Sec. 31-201. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Dade County, the Commission hereby enacts the following regulations pertaining to the operation of special transportation service carriers operating in Dade County pursuant to contracts with Metropolitan Dade County to provide Metro-Dade Transit Agency services.  
(Ord. No. 91-130, § 2, 11-5-91)

##### Sec. 31-202. Definitions.

For the purposes of this article, the following definitions shall apply:

- (a) *Special transportation services certificate of transportation* means the holder thereof may engage in providing the special transportation services described thereon and consistent with the terms and restrictions contained in the applicable Metropolitan Dade County contract relating thereto.
- (b) *Chauffeur* means a duly licensed driver registered with and authorized by the Consumer Services Department to operate a special transportation services vehicle.
- (c) *Commission* means the Board of County Commissioners of Dade County, Florida.
- (d) *Common carrier* means any motor carrier who holds his services out to the public.

- (e) *Special transportation services* means any transportation services provided by a motor carrier, for compensation, to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services, pursuant to a written contract with Metropolitan Dade County for the provision of Metro-Dade Transit Agency services or pursuant to a written contract with a broker which has a written contract with Metropolitan Dade County for the provision of Metro-Dade Transit Agency services.
- (f) *County Manager* means the chief executive officer and head of the administrative branch of the County government as provided in Article III of the Home Rule Charter of Metropolitan Dade County, Florida.
- (g) *Director* means the Dade County Consumer Services Department director.
- (h) *For compensation* means for money, property, service or anything else of value.
- (i) *Operate* means providing transportation services for compensation utilizing a special transportation services motor vehicle pursuant to a contract with Metropolitan Dade County for the provision of Metro-Dade Transit Agency services.
- (j) *Operator* means any person who has been issued a special transportation services certificate of transportation in accordance with the provisions of this article.
- (k) *CSD* means the Dade County Consumer Services Department.
- (l) *Special transportation services motor carrier or motor carrier* means any person owning, controlling, operating or managing any motor vehicle used in the business of providing special transportation services for compensation pursuant to a contract with Metropolitan Dade County for the provision of Metro-Dade Transit Agency services.
- (m) *Permit* means an operating permit authorizing the holder thereof to utilize the mo-

tor vehicle described in said permit to provide special transportation services to passengers as authorized by a special transportation services certificate issued pursuant to this article.

- (n) *Person* means any individual, corporation, firm, partnership, limited partnership, association or joint stock association.
- (o) *Registration* means a chauffeur's registration authorizing the holder thereof to operate passenger motor vehicles subject to the provisions of this article.
- (p) *Street* means any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct or other public place located in the County and established for the use of motor vehicle.
- (q) *MDTA* means the Metro-Dade Transit Agency.
- (r) *Special transportation services motor vehicle* means any chauffeur-driven motor vehicle engaged in providing special transportation services to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services, pursuant to a contract with Metropolitan Dade County for the provision of Metro-Dade Transit Agency services.
- (s) *Sedan* means a special transportation services motor vehicle, not equipped with a taximeter, with at least four (4) doors and providing seating accommodations for not more than eight (8) persons, exclusive of driver.
- (t) *Broker* means any person who has entered into a contract with Metropolitan Dade County to provide specified administrative services only related to the provision of transportation services, for compensation, to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services.

(u) *Service provider* means any person who has entered into a contract with a broker to provide transportation services, for compensation, to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services.

(v) *Paratransit services* means any transportation services provided for compensation to passengers with disabilities by motor carriers between specific origins and destinations selected by an individual user at a certain time that is agreed upon by the user and the service provider.

(w) *The Americans with Disabilities Act of 1990 or the ADA* means the civil rights act signed into law on July 26, 1990 as Public Law 101-336, 104 Stat. 327, as the same may be amended from time to time.

(x) *The ADA-defined area of Dade County* means the complementary paratransit service area as required by the ADA or any federal regulations established pursuant to the ADA. The service area includes an area with a width of three-fourths of a mile on each side of each of Dade County's fixed bus routes and an area consisting of a circle with a radius of three-fourths of a mile around each Metrorail station.

(y) *Paratransit passenger* means an individual receiving paratransit services who has a physical or mental impairment as defined by the ADA that substantially limits one or more of the major life activities of such individual, has a record of such impairment or has been regarded as having such an impairment.

(Ord. No. 91-130, § 2, 11-5-91; Ord. No. 92-101, § 1, 9-15-92; Ord. No. 95-221, § 4, 12-5-95)

#### **Sec. 31-203. Special transportation services certificate of transportation.**

(a) *Required.* From and after the effective date of this article, it shall be unlawful for any person to use, drive or operate or to cause or permit any other person to use, drive or operate any special

transportation services motor vehicle for compensation upon the streets of Dade County without first obtaining a Dade County special transportation services certificate of transportation, a certificate issued pursuant to Article III of this chapter, a for hire license issued pursuant to Article II of this chapter, or a certificate issued pursuant to Article III of Chapter 4 of the Code of Metropolitan Dade County, and maintaining it current and valid, pursuant to the provisions of this article, unless specifically excluded from this article.

Nothing in this article shall be construed to prohibit:

- (1) Discharge within Dade County of any passenger lawfully picked up in another County.
  - (2) Pick up of a paratransit passenger by a provider of paratransit services that is duly licensed and legally authorized to provide paratransit services in a County adjacent to Dade County, provided that such county has determined that the passenger is eligible for paratransit services and such passenger is picked up within the ADA-defined area of Dade County. A paratransit service provider shall not be required to obtain a Dade County Certificate of public convenience and necessity for such purpose, nor shall a chauffeur of such paratransit vehicle be required to obtain a Dade County for-hire chauffeur's registration.
- (b) *Application contents.* Every application for a special transportation services certificate shall be in writing, signed and sworn to by the applicant, and shall be filed with the CSD. The statements contained in the application shall become a part of the certificate and may be modified only in accordance with this article. The application shall be on a form provided by CSD and shall contain all information required thereon, including but not limited to:
- (1) Sufficient information to identify the applicant.
  - (2) The class of transportation service to be authorized under this article, routes, termini, schedules, etc., and a brief description of the kinds of and types of vehicles, seating capacity of the vehicles, seating arrangements, and size and gross weight thereof.
  - (3) The trade name under which the applicant intends to operate and a description of the proposed vehicle colors, numbers and markings.
  - (4) The applicant's management plan including but not limited to maintenance facilities, a system for handling complaints and accidents, a driver training program, insurance coverage, and a communication system.
  - (5) The applicant's proposed service standards, including but not limited to days and hours of operation, and passenger services to be provided.
  - (6) The applicant's proposed initial public fare and rate structure.
  - (7) A record of all present and prior transportation business activities of the applicant during the past five (5) years.
  - (8) A record of all crimes (excluding traffic) of which the applicant has been convicted within five (5) years preceding the date of the application. The applicant shall have his/her fingerprints and photograph taken by the Metro-Dade Police Department.
  - (9) Two (2) credit references including at least one (1) bank where the applicant maintains an active account.
  - (10) An investigative and processing fee which shall be nonrefundable.
  - (11) An agreement on the part of the applicant to conform to and abide by the provisions of this article and the laws of the State of Florida.
  - (12) The applicant's current financial statement. If the applicant has an existing certified financial statement, the most current certified financial statement is required.
  - (13) A factual statement indicating the anticipated market to be served and such other pertinent information as the applicant may desire to present to support his application.

- (14) A factual statement supporting the economic feasibility of the services proposed to be provided, including estimated ridership, fare revenue, and operating expenses for the first year of operation.
- (15) An operational plan for implementing the proposed services.
- (16) A public notice which shall contain a brief summary of the subject matter of the applicant including a brief description of the type of service proposed and the geographical area to be served.

(c) *Application review.* The Director, or his or her designee, shall review and investigate each application submitted pursuant to this article. Such investigation shall include a Metro-Dade Police Department background check including, but not limited to, past business credit or financial standing and law enforcement records.

(d) *Certification criteria and process.* The Director shall determine if the requested certificate is consistent with the following public interest criteria.

- (1) That the applicant is fit, willing and able, in accordance with the requirements of this section, to provide the transportation to be authorized by the certificate.
- (2) The transportation to be provided under the requested certificate is consistent with the public interest.
- (3) That the proposed transportation service will improve the quality of transportation available to the public.

The Director may authorize or refuse to authorize the certificate applied for, or may authorize a certificate with such modifications or upon such terms and conditions as in his judgment the public interest may require. The Director shall not issue a special transportation services certificate to an applicant until such applicant is awarded a contract by Metropolitan Dade County to provide Metro-Dade Transit Agency services.

(e) *Further requirements.* No certificate shall be issued unless the applicant has:

- (1) Paid an annual certificate fee for the right to operate special transportation services motor vehicles;

(2) Presented proof of insurance as required by Section 31-206 of this article; and

(3) Passed all required vehicle inspections.

Failure on the part of the applicant to complete this process within ninety (90) days after notification of contract award shall cause the certificate not to be issued and the County's approval to be automatically revoked.

(f) *Form of certificate.* Each certificate shall be on a form developed by CSD and shall be signed by the Director. Each certificate shall contain, at a minimum, the name and address of the applicant, a statement of the transportation service authorized, the passenger capacity of the vehicles to which it applies, and such additional terms, conditions, provisions, and limitations as were authorized in the approval process.

(g) *Renewal.* All certificates shall be renewed before April 1 of each year by payment of an annual certificate fee. All fees provided for in this section shall be in addition to any other license fees or charges and shall not be prorated for fractional parts of a year. All certificates that are not renewed shall automatically expire and all certificate transportation services rendered thereunder shall immediately cease as of April 1.

(h) *Transfer of certificate.* No certificate issued pursuant to this article may be sold, assigned, transferred, leased, or its ownership structure changed or altered so as to result in a change or the possibility of a change in the control of said certificate to another.

(Ord. No. 91-130, § 2, 11-5-91; Ord. No. 95-221, § 4, 12-5-95)

#### Sec. 31-204. Operating permits.

(a) After a person has secured a certificate or license hereunder and before any special transportation services motor vehicle shall be operated under authority of such certificate or license, such person shall make separate application to CSD for a permit for each motor vehicle to be operated pursuant to said certificate. Each permit application shall be in writing, verified by the certificate holder and shall contain the name and address of the applicant, the date and title of the contract pursuant to which such transportation services

are authorized, the certificate number and the make, type, year of manufacture, serial number, State license plate number, VIN number, and seating capacity of each motor vehicle for which a permit is desired. Upon payment of a permit fee, the CSD shall issue to the applicant a permit provided that the vehicle for which the permit is sought complies with the minimum safety requirements and vehicle standards set forth in this article, provided that the vehicle to be permitted is the type of vehicle authorized by such certificate, and is insured according to Section 31-206 of this article.

If the vehicle for which a permit is being sought is a motor vehicle that is specially designed, constructed, reconstructed, or equipped to provide nonemergency medical transportation services, such vehicle must meet each of the vehicle standards enumerated in Section 4-49 of the Code of Metropolitan Dade County. If the vehicle for which a permit is being sought is a sedan, such vehicle must meet each of the vehicle standards enumerated in Section 31-89 of the Code of Metropolitan Dade County. Finally, if the vehicle for which a permit is being sought pursuant to this section is a chauffeur-driven motor vehicle less than thirty-one (31) feet in length and with a rated seated capacity of less than twenty-nine (29) persons and more than eight (8) persons, exclusive of driver, such vehicle must meet each of the safety regulations enumerated, or adopted by reference, in Sections 31-107 and 31-207 of the Code of Metropolitan Dade County.

(b) Each permit issued hereunder shall expire April 1 of each year, and may be renewed upon payment of the fee prescribed in subsection (a) above. It shall be unlawful to operate any vehicle required to have an operating permit without such a current, valid permit displayed within the vehicle.

(c) No permit shall be issued for the operation of any vehicle, the condition of which would interfere with or detract from the comfort, convenience or safety of the passengers transported therein. In the event any motor vehicle for which a permit has been issued shall become unsafe to operate or its body, lift, or seating facilities become so damaged, deteriorated or unclean as to

render said vehicle unfit for public use, CSD may suspend the permit therefor until such time as the condition is remedied; provided, however, that no such suspension shall be effective until the permit holder or vehicle driver has received actual notice of the particular conditions to be remedied.

(d) Each permit issued hereunder shall be separately numbered. The operating permit shall, at all times, be displayed within the vehicle and shall be available for inspection by any authorized personnel or police officer.

(e) Permits issued hereunder shall not be transferable, leasable, or assignable.

(f) No certificate holder shall reconstruct, alter, modify, add to or otherwise change the body, seating capacity or seating arrangement after a permit has been issued pursuant to this section, unless and until the consent of the CSD shall first have been obtained.

(g) Either the Consumer Services Department or the MDTA may limit the maximum number of operating permits a certificate holder may obtain pursuant to this section.

(Ord. No. 91-130, § 2, 11-5-91; Ord. No. 92-66, § 3, 7-7-92)

#### **Sec. 31-205. Chauffeur's registration.**

It shall be unlawful for any person to drive a special transportation service vehicle over any street in Dade County without first having obtained a chauffeur's registration from the CSD pursuant to Chapter 31, Article V of this Code.

(Ord. No. 91-130, § 2, 11-5-91; Ord. No. 92-26, § 3, 4-21-92; Ord. No. 94-15, § 3, 1-20-94)

#### **Sec. 31-206. Financial responsibility and insurance requirements.**

(a) No special transportation services motor vehicle shall be permitted to operate without the operator having first obtained and filed with CSD a certificate of insurance on forms provided by CSD for each vehicle showing automobile liability insurance coverage with limited liability no less than one hundred thousand dollars (\$100,000.00) for one (1) passenger and three hundred thousand dollars (\$300,000.00) for all passengers for inju-

ries or death arising out of any one (1) occurrence, and fifty thousand dollars (\$50,000.00) for damages to property arising out of any one (1) occurrence. Any vehicle with a seating capacity in excess of fifteen (15) shall provide additional minimum limit for injury or death of ten thousand dollars (\$10,000.00) per passenger seat of each vehicle.

(b) The insurance required in this section shall be written by an insurance company authorized to do business in the State of Florida. Such company must be rated no less than "B" as to management, and no less than "Class V" as to financial strength, by the latest edition of Best's Insurance guide, published by A.M. Best Company, Oldwick, New Jersey, or its equivalent, subject to the approval of the Dade County Risk Management Division; or the company must hold a valid Florida Certificate of Authority as shown in the latest "List of All Insurance Companies Authorized or Approved to do Business in Florida", issued by the State of Florida Department of Insurance and be a member of the Florida Guaranty Fund.

(c) The certificate of insurance shall be endorsed to provide for thirty (30) days notice by registered mail of any material change, cancellation or expiration. No policy will be accepted for a shorter period than six (6) months.  
(Ord. No. 91-130, § 2, 11-5-91)

**Sec. 31-207. Safety regulations and inspection.**

(a) *Adoption; enforcement.* The Consumer Services Department (CSD) shall adopt and enforce all safety regulations of the United States Department of Transportation that are applicable to pas-

senger motor carriers and passenger motor vehicle carriers, as required for operation in an urban area. Any operator applying for a certificate or permit requiring or authorizing the use of a specialized or unique vehicle, not contemplated in United States Department of Transportation regulations, shall submit, subject to approval by CSD, safety regulations for each specific type of vehicle as to equipment, operation, maintenance, seating capacity and inspection of such vehicles, consistent with the vehicle manufacturer specifications, which must be submitted by the operator. The CSD shall develop special standards to be applied to motor vehicles older than five (5) years which are operated as passenger motor vehicles in order to assure that such vehicles are safe.

(b) *Vehicle age.* No vehicle older than fifteen (15) model years shall be operated as a passenger motor carrier.

(c) *Inspection for compliance.* CSD shall provide for inspection of each vehicle as follows for compliance with the foregoing standards:

- (1) If the vehicle is a motor vehicle that is specially designed, constructed, reconstructed, or equipped to provide nonemergency medical transportation services, such vehicle must be inspected in accordance with the requirements enumerated in Section 4-49(b) of the Code of Metropolitan Dade County.
- (2) If the vehicle is a sedan, such vehicle must be inspected in accordance with the requirements enumerated in Section 31-89(d) of the Code of Metropolitan Dade County.
- (3) Finally, if the vehicle is a chauffeur-driven motor vehicle less than thirty-one (31) feet in length and with a rated seated capacity of less than twenty-nine (29) persons and more than eight (8) persons, exclusive of driver, such vehicle must be inspected in accordance with the requirements enumerated in Section 31-107(c) of the Code of Metropolitan Dade County.

CSD shall charge a fee for such inspections. In addition to regular inspections, the CSD may also inspect any special transportation services motor vehicle at any time. The results of each inspection shall be recorded and a copy provided the oper-

ator. Any vehicle failing to meet required safety standards [shall not be operated as a special transportation service carrier] until such time as the vehicle satisfactorily passes inspection. (Ord. No. 91-180, § 2, 11-5-91; Ord. No. 92-66, § 3, 7-7-92)

#### **Sec. 31-208. Rules for operation.**

(a) *Color scheme.* Each operator shall adopt and use, after approval by the CSD, a distinctive, uniform, and decorative color scheme for all special transportation services motor carrier vehicles certified pursuant to this article. The CSD shall refuse to approve any proposed color scheme which will infringe upon any color scheme already in use by another operator. No other color scheme shall be employed until approved by the CSD.

(b) *Disposal of personal property.* Personal property left by a passenger in any special transportation services motor vehicle shall, upon its discovery by or delivery to the chauffeur of said vehicle, be reported immediately to and deposited at the operator's office, where a record of the same shall be maintained and the property held for the owner for a period of six (6) months, at the end of which it shall become the property of the finder. The operator shall be responsible for chauffeur compliance with this section.

(c) *Compliance with other legislation.* Every operator shall fully comply with all ordinances, rules and regulations of the County and all statutes of the State of Florida applicable to the operation of passenger motor vehicles.

(d) *Accessibility of service to the public; accessibility of records for regulatory purposes.* Each operator shall maintain and list with CSD a central place of business, where a listed telephone number is operative and where business records and daily manifests set forth herein are kept.

(e) *Records required.* Each operator shall maintain accurate records of all financial and operating information as may be required by CSD. CSD shall be granted access to these records for the purpose of inspection and/or copying same, upon five (5) days' prior notice. All such records and information shall be confidential except that they will become public records for the purpose of

revocation or suspension hearings, or, if required by the Board of County Commissioners, for the purpose of approving or disapproving applications for new certificates. Each operator shall annually furnish financial and operating information to CSD on forms and in the manner prescribed by CSD.

(f) *Antidiscrimination.* No operator or chauffeur shall refuse or neglect to transport to and from any place in the County any orderly person requesting service regardless of race, sex, religion, national origin, age, marital status or handicap, who is willing and able to pay the prescribed fare.

(g) *Vehicle numbering system.* Each operator shall adopt a vehicle numbering system approved by CSD, which does not conflict with those in use by other operators.

(h) *Manifest or trip sheet required.* Every operator shall maintain a manifest or trip sheet on a form approved by CSD, which shall include, but not be limited to, the following information on each trip: Name of chauffeur, vehicle number, date, time, origin, destination, number of passengers, and rate or fare. Operators shall not destroy, mutilate, alter or otherwise deface any daily manifests without CSD approval. All manifests shall be available for inspection and/or copying by CSD or any police agency during regular business hours and shall be retained for three (3) years.

(i) *Prohibitions for operators.* No operator shall:

- (1) Knowingly allow or permit any person to operate a special transportation services motor vehicle while his ability or alertness is so impaired, or is likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him to begin or continue to operate the motor vehicle; or
- (2) Permit or authorize any chauffeur or other person to operate any special transportation services motor vehicle without that vehicle's current valid certificate displayed therein; or
- (3) Operate or permit or authorize anyone else to operate any special transportation services motor vehicle unless and until that

person is issued a chauffeur's registration in accordance with Section 31-105.

(j) *Vehicle prohibitions.* No operator shall allow vehicles permitted under this article to:

- (1) Stop, stand, park or await employment at a marked taxicab stand.
- (2) Display the word(s) "taxicab," "taxi" or "cab" on the vehicle exterior.
- (3) Be equipped with a taximeter.
- (4) Operate as a taxicab, as defined in the County Code.

(k) [*Advertising restricted.*] No operator shall use for the purpose of advertising or requesting services to be provided under this article telephone number(s) that is used to request or furnish taxicab services.

(Ord. No. 91-130, § 2, 11-5-91)

#### Sec. 31-209. Enforcement.

(a) This article shall be enforced by authorized personnel of CSD, and by the Metro-Dade Police Department, and may be enforced by another police agency within Dade County. CSD shall prepare and distribute all authorized enforcement agencies an enforcement manual outlining procedures for the detection, reporting and issuance of citations or deficiency reports for violations of this article.

(b) CSD shall develop a deficiency or warning system through which operators are given written notice of minor violations and a specified period of time to correct same. For more serious or repeated violations, CSD shall develop a citation form. Authorized personnel will issue citations as official notice of violations. Civil violations by chauffeurs shall be processed under Chapter 8CC of the Code.

(c) Deficiency reports and/or citations shall be issued to the party responsible for the violation as set forth in this article. Any person issued a deficiency report or a citation shall sign and accept it. Notice is given to a chauffeur for a violation involving the vehicle under his control shall be deemed notice to the operator.

(d) Whether a corporation, partnership or association violates any of the provisions of this ar-

ticle, such violation shall be deemed also to be that of the individual officers, directors, partners or agents of such corporation who have personally authorized, personally ordered, or personally done any of the actions constituting in whole or in part such violation; and any such officer, director, partner, or agent may be fined in the same manner and to the same extent as herein provided for the individual.

(e) Notwithstanding the provisions of this section, the Director may secure enforcement of the provisions of this article by any legal action necessary, such as application to any court for injunctive relief or other appropriate relief.

(Ord. No. 91-130, § 2, 11-5-91; Ord. No. 94-15, § 3, 1-20-94)

#### Sec. 31-210. Penalties.

(a) In addition to any other penalties provided by law, a fine not to exceed five hundred dollars (\$500.00) may be imposed for each and every violation of the provisions of this article, provided that violations which result in fines pursuant to this section shall not be the basis for revocation or suspension proceedings except that five (5) or more violations resulting in fines within any twelve-month period shall constitute grounds for revocation or suspension proceedings.

(b) Failure to correct items recorded on a deficiency report by the time deadline shall cause a citation to be issued for each such item. In the case of chauffeurs, for civil violations a citation shall be issued under Chapter 8CC of the Code.

(c) Except for chauffeurs receiving civil violations, each person issued a citation shall within ten (10) days either satisfy the citation by payment to CSD of the fine stated in subsection (a) hereof or by filing a written request for a hearing on the charges. Failure to do one of the foregoing may result in revocation or suspension proceedings or penalties in accordance with subsection (f) hereof.

(d) Except for chauffeurs receiving civil violations the hearings specified in subsection (c) hereof shall be within the jurisdiction of the County Court and the Clerk of the Court is hereby empowered to dispose of the case and fines assessed through normal procedures.

(e) Anyone who engages a passenger motor vehicle with intent to defraud the chauffeur or operator shall be in violation of this article and subject to the penalty provided for in subsection (f) hereof.

(f) Violations of Section 31-203 or violation of revocation or suspension ordered under Section 31-211 shall be punishable by fines of not less than two hundred and fifty dollars (\$250.00) or more than five hundred dollars (\$500.00) and/or imprisonment not to exceed ten (10) days.

(Ord. No. 91-130, § 2, 11-5-91; Ord. No. 94-15, § 3, 1-20-94)

#### Sec. 31-211. Suspension or revocation proceedings.

(a) *Certificates; permits; registration.* Except as otherwise specified, certificates, permits, and registrations (issued pursuant to this article) shall be subject to suspension or revocation by the Director as follows:

(1) *Certificates.* Upon notice and hearing as hereinafter specified when it shall appear that:

- a. The holder thereof has failed or neglected to render the full service authorized by the certificate for a total period of eight (8) months during any calendar year; or
- b. The holder thereof has been convicted of a felony or any criminal offense involving moral turpitude; or
- c. The certificate was obtained by an application in which any material fact was omitted or falsely stated; or
- d. The holder thereof has permitted his passenger motor carrier vehicle to be operated in violation of any law; or
- e. The holder thereof has failed to comply with or has willfully violated any of the provisions of this article; or
- f. The holder thereof is in default of its contractual obligations to Metropolitan Dade County pursuant to a contract to provide MDTA services; or
- g. The contract between the holder thereof and Metropolitan Dade County to provide MDTA services expires or is terminated; or

- h. The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.
- (2) *Permits.* Upon notice and hearing as hereinafter specified when it shall appear that:
  - a. The permit was obtained by an application in which any material fact was omitted or falsely stated; or
  - b. The holder thereof has failed to comply with any provisions of this article or any lawful order of the Director; or
  - c. The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.
- (3) *Registrations.* Upon notice and hearing as hereinafter specified when it shall appear that:
  - a. The chauffeur has failed to comply with or has willfully violated any of the provisions of this article; or
  - b. The chauffeur has pled guilty or nolo contendere to driving under the influence of alcoholic beverages, model glue or any substance controlled under Chapter 893, Florida Statutes, or has been convicted of same; or
  - c. The registration was obtained by an application in which any material fact was omitted or falsely stated; or
  - d. The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.
- (b) *Notice of hearing.* All hearings required by this section shall be preceded by a minimum of ten (10) days' notice. Said notice shall specify the Director's proposed action and the grounds upon which the action is predicated. The operator or chauffeur (as the case may be) may be represented by legal counsel and shall be entitled to present his defense to the proposed action. Failure to appear at a duly noticed hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice. All such hearings shall be conducted before hearing examiner who shall not have responsibility for the enforcement of this article and who shall be designated by the Director, and insofar as is practicable in accor-

dance with the rules of civil procedure governing the procedure in Circuit Court, except as may be provided in this Code or by rules adopted by the Board of County Commissioners. All such hearings shall be reported and, at the request of any party, transcribed.

(c) *Finding, conclusion and recommendation.* Within a reasonable time after the conclusion of the hearing, the hearing examiner shall submit to the Director a statement of findings, conclusions and recommendations. If the hearing examiner affirms the Director's proposed action, the appellant shall pay the administrative costs of the hearing, unless such decision is reversed on subsequent appeal. The Director shall promptly notify all parties of his or her decision.

(d) *Powers.* The hearing examiner shall have the power to administer oaths, subpoena witnesses upon the written request of any interested party and may compel the production of records, books and papers. Should the hearing examiner, without good cause, refuse to subpoena witnesses or compel the production of books, records or papers, then any interested party may, without cost to the petitioner, petition the County Court to order the appearance of any witness or witnesses or order the production of any books, records or papers necessary to a fair and proper hearing. Failure of any witness ordered to appear or failure of any person ordered to produce books, records or papers may constitute a contempt of court and may be punishable as may any other contempt of court.

(e) *Penalties.* Suspensions pursuant to this section shall not exceed six (6) months. Three (3) or more suspensions within any twelve-month period may constitute grounds for revocation of the certificate, permit, or registration.

(f) *Appeals.* The Director's decision may be appealed to the County Manager within ten (10) days of the date of said decision. Such appeal shall not stay the Director's decision. Upon such an appeal, the County Manager shall consider the transcript of the hearing and all evidence produced at the hearing. No further testimony or exhibits shall be permitted. The County Manager shall, within twenty (20) days, on the basis of the record established before the Director, either affirm, reverse or modify the Director's decision.  
(Ord. No. 91-130, § 2, 11-5-91)

**Sec. 31-212. Duties of the consumer services department.**

(a) In addition to the duties and responsibilities specified in this article, CSD shall be charged with the following duties and responsibilities.

- (1) Process, investigate and prepare all reports required by this article.
- (2) Investigate and prepare reports on alleged violations of this article.
- (3) Enforce the provisions of this article.
- (4) Attempt to resolve complaints received from any source concerning the industry.
- (5) Develop and implement, in cooperation with the industry, service expansion and improvements.
- (6) Provide technical assistance to the industry.
- (7) Perform any other functions assigned by the County Manager.

(b) The Director may propose and the County Manager may promulgate further rules and regulations to carry out the provisions of this article, which rules and regulations, when approved by the Board of County Commissioners, shall have the force and effect of law.

(c) Whenever in this article a fee is charged or is required to be paid, the amount of such fee shall be established by administrative order of the County Manager approved by the Commission. Such fees shall be deposited in a separate Dade County fund and shall be used exclusively to accomplish the regulatory purposes of this article. The amount of each fee established hereunder shall be reasonably related to the costs of the services and regulations provided therefor.

(Ord. No. 91-130, § 2, 11-5-91)

**Sec. 31-213. Special provisions.**

Notwithstanding any provision to the contrary in this article, the County may enter into a contract with a broker which requires the broker to provide administrative services related to the provision of special transportation services. Such broker shall comply with all provisions of this article pertaining to the provision of special transportation

services, including obtaining a certificate of transportation pursuant to this article; provided, however, the broker must contract with a service provider or service providers to provide such transportation and the broker may not be a service provider. A service provider is required to comply with all provisions of this article pertaining to the provision of special transportation services, including obtaining a certificate of transportation pursuant to this article or otherwise complying with Section 31-203(a); provided, however, a written contract in effect between the service provider and the broker shall satisfy the provisions of this article which would require a written contract between the County and the service provider. The special transportation services certificate of transportation issued to a service provider pursuant to this article shall be automatically revoked if MDTA determines that the service provider is in default of its contractual obligations to the broker or the contract between a service provider and the broker to provide special transportation services expires or is terminated.

(Ord. No. 92-101, § 2, 9-15-92)

**Secs. 31-214—31-300. Reserved.**

**ARTICLE V. GENERAL REQUIREMENTS**

**Sec. 31-301. Applicability.**

All general requirements contained in this article are applicable to chauffeur applicants and chauffeurs for nonemergency medical transportation regulated under Chapter 4, Article III, private school buses regulated under Chapter 30, Section 371 and 372, taxicabs and limousines regulated under Chapter 31, Article II, Passenger Motor Carriers regulated under Chapter 31, Article III, and special transportation service regulated under Chapter 31, Article IV.

(Ord. No. 94-15, § 5, 1-20-94)

**Sec. 31-302. Definitions.**

For purposes of this article the following definitions shall apply:

- (a) CSD means the Dade County Consumer Services Department.

(b) *For-hire company* means an entity which is registered with the Consumer Services Department, which shall minimally provide a color scheme, including the trade name, customer lost and found services and a system for handling customer complaints. A for-hire company may among other things also provide communication services, contract services to chauffeurs and contract services for for-hire license holders.

(c) *For-hire passenger motor vehicle or for-hire vehicle* means any of the following chauffeur-driven vehicles as defined in Chapters 4, 30 or 31 of the Code of Metropolitan Dade County:

- (i) Taxicab
- (ii) Limousine
- (iii) Passenger motor carrier vehicle
- (iv) Non-emergency medical transportation vehicle
- (v) Private school bus
- (vi) Special transportation service vehicle

which engages in the transportation of passengers and their accompanying property for compensation over the public streets of Dade County which complies with Section 319.23, Florida Statutes, as may be amended from time to time, but excluding ambulances, vehicles used exclusively for the transportation of decedents and persons participating in funeral services, vehicles used solely to provide free transportation services for customers of the business establishment owning said vehicles, and rental or leased vehicles which rental or lease does not include a chauffeur; provided, however, that no vehicle excluded under this definition shall be used on a for-hire basis except as authorized by this chapter.

(d) *PTRD* means the Passenger Transportation Regulatory Division.

(e) *Solicit* means an appeal by bell, horn, whistle, words or gestures for immediate patronage of a for-hire vehicle by a chauffeur or his agent directed at individuals or groups while the person making the appeal is upon

the public way or public property, or the vehicle is parked, stopped, standing or moving up the public way or public property.

(Ord. No. 94-15, § 5, 1-20-94)

### Sec. 31-303. Chauffeur's registration; all types.

(a) It shall be unlawful for any person to drive any for-hire vehicle over any street in Dade County without first having obtained a chauffeur's registration from the CSD pursuant to this section.

(b) Initial application for a chauffeur's registration shall be on forms provided by the CSD and shall be accompanied by a non-refundable payment of an application and processing fee. Application for renewal of chauffeur's registration shall be accompanied by a non-refundable payment of a renewal fee. Registration applications whether initial or for a renewal shall contain all information required by this chapter. Such applications shall also contain an agreement that the Dade County operator or for-hire company shall provide for a color scheme including trade name, customer lost and found services and a system for handling customer complaints.

(c) The CSD and the Metro-Dade Police Department shall investigate each applicant and report all findings. The CSD, or any authorized agent, shall examine each applicant to determine his or her knowledge of the English language, Dade County geography, traffic regulations and chauffeur responsibilities as contained in this chapter.

(d) The CSD may issue a chauffeur's registration, for such periods as prescribed within the administrative order establishing the fees when it is shown that the initial or renewal applicant:

- (1) Holds a current, valid State of Florida driver's license of the class required for the type of for-hire vehicle to be operated;
- (2) Has taken a one day course in one location, as directed by CSD, which will ensure that the applicant is able to speak, read and write the English language sufficiently to perform the duties of a chauffeur; and passes the required CSD oral and written exam demonstrating his or her knowledge of the English language, Dade County geography,